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In re Application of

STARK, Emil

Application No.: 10/553,712

PCT No.: PCT/EP2004/003946

Int. Filing Date: 15 April 2004

Priority Date: 15 April 2003

Atty. Docket No.: 102132-30

For: QUICK ACTION CLAMPING  
CYLINDER WITH A SIMPLIFIED  
STRUCTURE

DECISION

This decision is issued in response to applicant's "Request Correction of Filing Receipt" filed 18 February 2010 and to the "Transmittal of Substitute Declaration" submitted on 05 April 2010 treated herein as a petition under 37 CFR 1.182 to treat the present application as a national stage of PCT/EP2004/003946. Deposit Account No. 50-2455 will be charged the required petition fee, as authorized in the 05 April 2010 communication.

**BACKGROUND**

On 15 April 2004, applicant filed international application PCT/EP2004/003946 which claimed a priority date of 15 April 2003. On 28 October 2004, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 17 October 2005. (15 October 2005 was a Saturday and 16 October 2005 was a Sunday.)

On 17 October 2005, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a preliminary amendment, and a translation into English of the international application PCT/EP2004/003946. The Transmittal Letter identified the application as a national stage of PCT/DE2004/003946, filed 15 April 2004.

Based on the international application number listed on the Transmittal Letter, the present application file was established as a national stage of PCT/DE2004/003946.

On 23 October 2006, applicant filed an executed declaration which identified the application as a national stage of PCT/DE2004/003946, filed 15 April 2004.

On 04 April 2007, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/DE2004/003946 (the filing receipt also listed the application as a national stage of PCT/DE2004/003946).

On 18 February 2010, applicant filed "Request Correction of Filing Receipt."

On 05 April 2010, applicant filed "Transmittal of Substitute Declaration" which is being treated as a petition under 37 CFR 1.182.

### DISCUSSION

As noted above, the Transmittal Letter filed by applicant to initiate this national stage application identified the submission as a national stage of PCT/DE2004/003946. The present submission filed by applicant confirms that the listing of PCT/DE2004/003946 on the original application materials was incorrect, and that the application was intended as a national stage of PCT/EP2004/003946.<sup>1</sup> Because the present application was created as a national stage of PCT/DE2004/003946 based on applicant's original submission, correction of the application to indicate that it is a national stage of PCT/EP2004/003946 requires a petition under 37 CFR 1.182. The "Transmittal of Substitute Declaration" has been treated as such a petition. Applicant has authorized a charge to Deposit Account No. 50-2455 for required fees; based on this authorization, Deposit Account No. 50-2455 will be charged the required \$400 petition fee.

It is noted that the 05 April 2010 declaration has been reviewed and is in compliance with 37 CFR 1.497(a)-(b).

The petition to treat the present application as a national stage of PCT/EP2004/003946 is granted. The Notification Of Acceptance and filing receipt mailed 04 April 2007 (both of which indicate that the application is a national stage of PCT/DE2004/003946), are appropriately vacated.

### CONCLUSION

The petition under 37 CFR 1.182 is GRANTED.

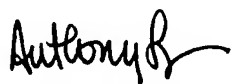
USPTO records will be corrected to indicate that the present application is the national stage of PCT/EP2004/003946 with an international filing date of 15 April 2004 and claims priority to DE 103.17 350.1 (15 April 2003). The 35 U.S.C. 371(c) date is 05 April 2010.

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<sup>1</sup> It is noted that the submission included a preliminary amendment which identified the correct international application number, PCT/EP2004/003946.

The Notification Of Acceptance and filing receipt mailed 04 April 2007 are hereby VACATED based on their identification of the present application as a national stage of PCT/DE2004/003946.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including: (1) correcting USPTO records so as to identify the present application as a national stage of PCT/EP2004/003946; and (2) issuing a corrected Notification Of Acceptance; and (3) issuing a corrected filing receipt which properly identifies the application as a national stage of PCT/EP2004/003946.



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